IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 31469 of 2007(U)

O.S. NO.175/2000 OF MUNSIFF COURT, KODUNGALLUR.

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PETITIONER:

PERINGOTTUKARA NAMBOODIRI YOGA KSHEMA SABHA, HAVING HEAD OFFICE AT ANTHIKAD, REP. BY ITS SECRETARY,K.T.NARAYANAN,AGED 39,S/O.THAMARAPPILLY-MANAKAL K.T.D. NAMBOODIRI, PONALLUR DESOM, THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR).

RESPONDENT:

T.P. PARAMESWARAN NAMBOODIRI, S/O. PARAMESWARAN NAMBOODIRI, THEKETHANIYIL, MATHIYATHMANA, VADAKUMURY PUTHENCHIRA VILLAGE, MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No. 31469 OF 2007

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Dated this the 23rd day of October 2007

JUDGMENT

This writ petition is filed challenging the order of the Munsiff's Court, Kodungallur in I.A.Nos.1475 & 1476 of 2005 in O.S.No.175 of 2000. The petitioner wanted the court below to amend the plaint, judgment and decree. According to him, when he filed the suit, a clerical mistake has crept in while filing the plaint and that instead of showing Rs.2,80,000/- only Rs.28,000/- was shown and so also accordingly instead of a total valuation of Rs.3,27,952.75, the amount was shown as Rs.75,952.25. The further prayer is after amending the plaint, the court should correct the decree also accordingly. The court below did not entertain that application and dismissed the same. I am in total agreement with the learned Munsiff because one cannot substitute a decree by virtue of an amendment.

Therefore, the writ petition lacks merit and the same is dismissed. But, I make it clear that if there are any other legal remedies to which the

petitioner is entitled to, he can resort to the same.

M.N.KRISHNAN, JUDGE

Cdp/-